

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND**

IN RE

TALLULAH'S TACQUERIA, LLC
Debtor

Case No. 1:25-bk-10270

Chapter 11 (Subchapter V)

**MOTION OF CREDITOR, FARM FRESH RHODE ISLAND, TO COMPEL DEBTOR-
IN-POSSESSION TO ABANDON ALL TANGIBLE PERSONAL PROPERTY,
INCLUDING EQUIPMENT AND FIXTURES, LOCATED AT LEASED PREMISES AT
10 SIMS AVENUE, SUITE 109, PROVIDENCE, RHODE ISLAND**

Creditor, Farm Fresh Rhode Island ("FFRI"), hereby moves to compel the Debtor-in-Possession, Tallulah's Tacqueria, LLC to abandon all tangible personal property including fixtures and equipment (the "Personal Property") that is presently located at 10 Sims Avenue, Suite 109, Providence, Rhode Island (the "Premises"). Pursuant to Fed. R. Bankr. P. 6007, this motion is being sent to the Debtor-in-Possession, all creditors and indenture trustees, and the U.S. Trustee.

The Premises, which are part of the Farm Fresh Food Hub in Providence Rhode Island, were formerly leased to the Debtor under a Lease dated March 1, 2021. However, due to various lease defaults including nonpayment of rent, Landlord terminated the Debtor's lease effective on March 18, 2025.

Debtor has stated in its Status Report Pursuant to 11 U.S.C. § 1188(c) that it "intends to cease operating the 10 Sims Avenue location and to move to abandon the equipment at that location." (ECF No. 32 ¶ 13, Apr. 30, 2025.) The within motion, and a separate motion filed contemporaneously herewith which seeks to recover possession of the Premises from the Debtor, are designed to hasten the Debtor's exit from the Premises.

Abandonment of the Personal Property is appropriate pursuant to 11 U.S.C. § 554(b), which permits abandonment of property of the estate that is "burdensome to the estate

or that is of inconsequential value and benefit to the estate.” The Debtor’s Schedule A/B states that its machinery, fixtures, and equipment at the Premises have a value of \$114,000. (ECF No. 26 at 6.) It is allegedly subject to security interests in favor of Navigant Credit Union in the amount of over \$288,000. *Id.* at 12; Status Report ¶ 8–9, ECF No. 32. Accordingly, there is no equity in the Personal Property.

Moreover, because the Debtor is a holdover tenant, it will be vacating the Premises in the near future. Removal of the Personal Property from the Premises would be prohibitively expensive for the Debtor with little corresponding benefit. Accordingly, the Debtor should simply abandon it.

CONCLUSION

WHEREFORE, Creditor, Farm Fresh Rhode Island, respectfully requests that all tangible personal property including fixtures and equipment (the “Personal Property”) that is presently located at 10 Sims Avenue, Suite 109, Providence, Rhode Island (the “Premises”) be deemed abandoned.

Notice of Time to Respond/Object Pursuant to Local Rule 1005-1

Within twenty-one (21) days after service, if served electronically, as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail or other excepted means specified, any party against whom such paper has been served, or any other party who objects to the relief sought, shall serve and file an objection or other appropriate response to said paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

DATED: May 6, 2025

CREDITOR,
FARM FRESH RHODE ISLAND

By Its Attorneys,

PARTRIDGE SNOW & HAHN LLP

/s/ Daniel E. Burgoyne

Daniel E. Burgoyne (#7541)
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CERTIFICATION OF SERVICE

The undersigned hereby certifies that a true copy of the within document was filed electronically with the above-captioned Court, and notices of electronic filing were sent to the following persons on **May 6, 2025**.

- **Daniel E. Burgoyne** dburgoyne@psh.com, kfrancois@psh.com
- **Joseph M. DiOrio** jdiorio@pldolaw.com, jdiorio@pldolaw.com; aperry@pldolaw.com; RI02@ecfcbis.com; aperry@pldolaw.com; pmacnie@pldolaw.com; kstamp@pldolaw.com; agruttadauria@pldolaw.com; arubino@pldolaw.com
- **Sandra Nicholls** sandra.nicholls@usdoj.gov
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- **Thomas P. Quinn** tquinn@mclaughlinquinn.com, mwoodside@mclaughlinquinn.com

The within document was also sent, via first class mail, to the following persons:

Internal Revenue Service
Insolvency Unit 4th Floor
380 Westminster Street
Providence, RI 02903

Thomas P. Quinn
McLaughlin & Quinn
148 West River Street, Suite
1E
Providence, RI 02904

RI Division of Taxation
Bankruptcy Unit
co Richard P. Smith
Chief - Collection Section
One Capitol Hill
Providence, RI 02903

State of RI - Labor and Training
Legal Department
Bldg 72 3rd Floor
1511 Pontiac Avenue
Cranston, RI 02920

The within document was also sent, via first class mail, to the creditors indicated on the court-generated list attached hereto.

/s/ Daniel E. Burgoyne

Label Matrix for local noticing
0103-1
Case 1:25-bk-10270
District of Rhode Island
Providence
Thu May 1 18:13:30 EDT 2025

RI Division of Taxation
Bankruptcy Unit
co Richard P. Smith
Chief - Collection Section
One Capitol Hill
Providence, RI 02908-5816

Providence Courtroom
The Federal Center
380 Westminster Street
6th Floor
Providence, RI 02903-3240

Baldor Specialty Inc
155 Food Center Drive
Bronx NY 10474-7136

Chef's Warehouse
249 Food Ctr Drive
Bronx NY 10474

Citrin Cooperman
500 Exchange Street, Ste 9-100
Providence RI 02903-2635

Easy Ice, LLC
PO Box 650769
Dallas, TX 75265-0769

Financial Agent Services
P.O. Box 2576
Springfield IL 62708-2576

Kelly Ann Rojas
32 Deck Street
Jamestown RI 02835-2625

Liberty Cleaning Inc.
25 Stone Drive
Cranston RI 02920-1321

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

State of RI - Labor and Training
Legal Department
Bldg 72 3rd Floor
1511 Pontiac Avenue
Cranston, RI 02920-4407

Ally Auto
PO Box 380902
Minneapolis MN 55438-0902

CJ&J Trailer Leasing
dba Pilotte's Refrigeration
34 Sears Road
Swansea MA 02777-4517

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Harrington & Rhodes, Ltd.
East Greenwich RI 02818

Corporation Service Company
801 Adlai Stevenson Drive
Springfield IL 62703-4261

Ecolab Inc.
PO Box 32027
New York NY 10087-2027

Heller Properties LLC
Attn: Claude Goldstein
111 Fifth Street
Providence RI 02906-2801

Krost CPA's
225 S. Lake Ave., Ste 400
Pasadena CA 91101-3010

Mobile Mini, Inc.
4646 E. Van Buren Street
Suite 400
Phoenix, AZ 85008-6927

(p)NAVIGANT CREDIT UNION
1005 DOUGLAS PIKE
SMITHFIELD RI 02917-1206

Tallulah's Taqueria, LLC
146 Ives Street
Providence, RI 02906-3829

American Express
PO Box 1270
Newark NJ 07101-1270

(p)CAINE & WEINER COMPANY
12005 FORD ROAD 300
DALLAS TX 75234-7262

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Pasadena, CA 91101-3010

New England Certified Dev Corp
500 Edgewater Drive, Ste 555
Wakefield MA 01880-6232

North Meadow Properties, LLC
109 Carr Lane
Jamestown RI 02835-1703

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Arlington VA 22203-4129

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Employer Tax Unit
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Birmingham AL 35203-4002

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380 Westminster St., Rm. 511
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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Internal Revenue Service
Insolvency Unit 4th Floor
380 Westminster Street
Providence, RI 02903

Navigant Credit Union
1005 Douglas Pike
Smithfield, RI 02917

Caine & Weiner
P.O. Box 55848
Sherman Oaks CA 91413

(d) Navigant Credit Union
1005 Douglas Pike
Smithfield RI 02917

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) Farm Fresh Rhode Island

End of Label Matrix
Mailable recipients 42
Bypassed recipients 1
Total 43